

EXHIBIT A

ORIGINAL

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Laurence M. Rosen (SBN #219683) The Rosen Law Firm, P.A. 355 South Grand Avenue, Suite 2450, Los Angeles, CA 90071 TELEPHONE NO.: 213-785-2610 FAX NO.: ATTORNEY FOR (Name): Plaintiff Alexander Liu		FOR COURT USE ONLY FILED Superior Court of California County of San Francisco JAN 06 2014 CLERK OF THE COURT <i>M.A. MONTANA</i> DEPUTY CLERK	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, 94102-4515 BRANCH NAME: Civic Center Courthouse			
CASE NAME: Alexander Liu v. Xoom Corp. et al.,			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)		<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
<input type="checkbox"/> Counter		<input type="checkbox"/> Joinder	
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: CGC-15-543531	
JUDGE:		DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input checked="" type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input checked="" type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **Breach of Fiduciary Duty**
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 01/06/2015

Laurence Rosen

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

BY FAX

ORIGINAL

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Xoom Corp., John Kunze, Ryno Blignaut

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Alexander Liu, Individually and on behalf of all others similarly situated,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

BY FAX

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Civic Center Courthouse

400 McAllister Street
San Francisco, CA 94102

CASE NUMBER:

(Número de Caso):

CGC-15-543531

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Laurence Rosen, 355 South Grand Avenue, Suite 2450, Los Angeles, CA 90071

DATE: 01/06/2015
(Fecha)

CLERK OF THE COURT

Clerk, by
(Secretario)

M.A. MORAN

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

ORIGINAL

BY FAX

1 Laurence M. Rosen (SBN 219683)
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7 lrosen@rosenlegal.com

8 *Attorneys for Plaintiff*

FILED
Superior Court of California
County of San Francisco

JAN 06 2014

CLERK OF THE COURT
Superior Court of California County of San Francisco
BY _____ DEPUTY CLERK

M.A. MORAN

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN FRANCISCO

11 ALEXANDER LIU, INDIVIDUALLY
12 AND ON BEHALF OF ALL OTHERS
13 SIMILARLY SITUATED,

14 Plaintiff,

15 vs.

16 XOOM CORP., JOHN KUNZE, AND
17 RYNO BLIGNAUT,

18 Defendants.

Case No.: **CGC - 15 - 543531**

CLASS ACTION

COMPLAINT

DEMAND FOR JURY TRIAL

1 Plaintiff Alexander Liu, by his undersigned attorneys, allege in this Class Action
2 Complaint (the "Complaint") the following upon personal knowledge with respect to his own
3 acts, and upon facts obtained through an investigation by their attorneys and review of
4 documents and materials including but not limited to: (a) relevant filings made by Xoom Corp.
5 ("Xoom" or the "Company") with the United States Securities and Exchange Commission (the
6 "SEC"); (b) public documents, conference calls, and press releases; and (c) information readily
7 available on the internet. Plaintiff believes that further substantial evidentiary exists for the
8 allegations set forth herein after a reasonable opportunity for discovery.

9 **I. NATURE OF THE ACTION**

10 1. This is a securities class action on behalf of a class of all persons other than
11 defendants who purchased the common stock of Xoom pursuant and/or traceable to the Company's
12 Registration Statement and Prospectus, declared effective by the SEC on February 14, 2013, issued
13 in connection with the Company's Initial Public Offering (the "IPO"), including all those who
14 purchased Xoom stock after February 14, 2013, seeking to recover damages caused by defendants'
15 violations of the federal securities laws and to pursue remedies under the Securities Act of 1933 (the
16 "Securities Act").

17 **II. JURISDICTION AND VENUE**

18 2. The claims asserted herein arise under and pursuant to Sections 11 and 15 of the
19 Securities Act (15 U.S.C. §§ 77k and 77(o)). This Court has jurisdiction over the subject matter
20 of this action pursuant to Section 22 of the Securities Act, 15 U.S.C. § 77v, which explicitly
21 states that "[e]xcept as provided in section 16(c), no case arising under this title and brought *in*
22 *any State court* of competent jurisdiction shall be removed to any court in the United States."
23 Section 16(c) of the Securities Act refers to "covered class actions," which are defined as
24 lawsuits brought as class actions or brought on behalf of more than 50 persons asserting claims
25 under state or common law. This is an action asserting federal law claims. Thus, it does not fall
26 within the definition of a "covered class action" under §16(c) and therefore is not removable to
27 federal court under the Securities Litigation Uniform Standards Act of 1998.
28

1 3. Each Defendant has sufficient contacts with California, or otherwise purposefully
2 avails itself of benefits from California or has property in California so as to render the exercise of
3 jurisdiction over each by California courts consistent with traditional notions of fair play and
4 substantial justice.

5 4. Venue is proper in this District pursuant to Section 22(a) of the Securities Act
6 and 15 U.S.C. § 77v(a) because the Company's headquarters are located in this County and
7 certain of the acts alleged in this Complaint occurred in this County.

8 5. In connection with the acts, conduct and other wrongs alleged in this Complaint,
9 the defendants, directly or indirectly, used the means and instrumentalities of interstate
10 commerce, including but not limited to, the United States mail, interstate telephone
11 communications and the facilities of the national securities exchange.

12 **III. THE PARTIES**

13 6. Plaintiff Alexander Liu purchased Xoom securities pursuant and/or traceable to
14 the Registration Statement and Prospectus issued in connection with the Company's IPO and
15 has been damaged thereby.

16 7. Defendant Xoom, a provider of internet money-transfer services, is a Delaware
17 corporation with its principle executive offices at 425 Market Street, 12th Floor, San Francisco,
18 California.

19 8. Defendant John Kunze ("Kunze") is at all relevant times the President and Chief
20 Executive Officer ("CEO") of the Company.

21 9. Defendant Ryno Blignaut ("Blignaut") was the Company's Chief Financial Officer
22 ("CFO") from March 2008 until December 1, 2014. Blignaut then returned to the Company to
23 serve as acting CFO following the sudden resignation of new CFO Matt Hibbard on January 5,
24 2015.

25 10. Defendants Kunze and Blignaut are collectively referred to herein as the "Individual
26 Defendants." The Individual Defendants, together with Xoom, are referred to herein as the
27 "Defendants."
28

11. Each of the Individual Defendants:

- (a) directly participated in the management of the Company;
- (b) was directly involved in the day-to-day operations of the Company at the highest levels;
- (c) was directly or indirectly involved in drafting, producing, reviewing and/or disseminating the false and misleading statements and information alleged herein;
- (d) was directly or indirectly involved in the oversight or implementation of the Company's internal controls;
- (e) was aware of or deliberately recklessly disregarded the fact that the false and misleading statements were being issued concerning the Company; and/or
- (f) approved or ratified these statements in violation of the federal securities laws.

IV. **SUBSTANTIVE ALLEGATIONS**

12. On February 1, 2013, Xoom filed an amended registration statement and prospectus with the SEC in connection with the IPO.

13. On February 14, 2013, the SEC declared the registration statement effective.

14. On February 15, 2013, Xoom filed with the SEC the prospectus in connection with the IPO.

15. Xoom sold approximately 6.3 million shares from the IPO, raising proceeds of more than \$101 million.

16. The registration statement and prospectus contained inaccurate statements of material fact and/or omitted material facts because it failed to disclose that Xoom's internal controls were so seriously deficient that tens of millions of dollars of Xoom's corporate cash could be fraudulently transferred and stolen without the Company's knowledge.

V. **THE TRUTH EMERGES**

1 17. On October 28th, 2014, defendant Blignaut resigned as CFO, effective
2 December 1, 2014.

3 18. On January 5, 2015, Xoom announced that a criminal fraud had taken place at
4 the Company, whereby \$30.8 million in corporate cash was illegally transferred to overseas
5 accounts.

6 19. Also on January 5, 2015, Xoom announced that Matt Hibbard, who replaced
7 Blignaut as CFO on December 2, 2014, had abruptly resigned from his position.

8 20. Federal law enforcement officials are currently pursuing a criminal investigation
9 at the Company as a result of these criminal actions.

10 21. These actions are a result of seriously deficient internal controls at the Company,
11 which the Company failed to disclose during its Registration Statement and Prospectus.

12 22. On these adverse news, shares of Xoom fell \$0.27 per share, or more than 1.6%,
13 in intraday trading on January 6, 2015.

14 **VI. CLASS ALLEGATIONS**

15 23. Plaintiff brings this action as a class action pursuant to California Code of Civil
16 Procedure Section 382 on behalf of himself and on behalf of all purchasers of Xoom's securities
17 issued pursuant to and/or traceable to the Company's IPO, including purchasers of Xoom stock
18 after February 14, 2013. Excluded from the Class are defendants, the officers and directors of
19 the Company, at all relevant times, members of their immediate families and their legal
20 representatives, heirs, successors or assigns and any entity in which defendants have or had a
21 controlling interest.

22 24. The members of the Class are so numerous that joinder of all members is
23 impracticable. Approximately 6.3 million Xoom shares were sold during the IPO. The precise
24 number of Class Members is unknown to Plaintiff at this time but it is believed to be in the
25 thousands. Members of the Class may be identified by records maintained by Xoom or its
26 transfer agents and may be notified of the pendency of this action by mail, using a form of
27
28

1 notice customarily used in securities class actions.

2 25. Plaintiff's claims are typical of the claims of the members of the Class as all
3 members of the Class are similarly affected by the defendants' respective wrongful conduct in
4 violation of the federal laws complained of herein.

5 26. Plaintiff has and will continue to fairly and adequately protect the interests of the
6 members of the Class and have retained counsel competent and experienced in class and
7 securities litigation. Plaintiff has no interests antagonistic to or in conflict with those of the
8 Class.

9 27. Common questions of law and fact exist as to all members of the Class and
10 predominate over any questions solely affecting individual members of the Class. Among the
11 questions of law and fact common to the Class are:

- 12 (a) whether the federal securities laws were violated by the defendants'
13 respective acts as alleged herein;
- 14 (b) whether documents, including the Registration Statement and Prospectus,
15 press releases, and public statements issued by defendants to the
16 investing public committed and/or misrepresented material facts about
17 the Company and its business; and
- 18 (c) whether the members of the Class have sustained damages and, if so,
19 what is the proper measure of damages.

20 28. A class action is superior to all other available methods for the fair and efficient
21 adjudication of this controversy since joinder of all members is impracticable. Furthermore, as
22 the damages suffered by individual Class members may be relatively small, the expense and
23 burden of individual litigation make it impossible for members of the Class to individually
24 redress the wrongs done to them. There will be no difficulty in the management of this action
25 as a class action.

26 **COUNT I**

27 **Violation of Section 11 of the Securities Act Against All Defendants**

28

29. Plaintiff repeats and realleges the allegations contained above as if fully set forth herein.

30. This claim is brought by Plaintiff on his own behalf and on behalf of other members of the Class who acquired Xoom shares pursuant to or traceable to the Company's IPO. Each Class Member acquired his, her, or its shares pursuant to and/or traceable to, and in reliance on, the Registration Statement and Prospectus. Xoom is the issuer of the securities through the Registration Statement and Prospectus. The Individual Defendants are signatories of the Registration Statement and Prospectus.

31. Defendants issued and disseminated, caused to be issued and disseminated, and participated in the issuance and dissemination of, material misstatements and/or omissions to the investing public that were contained in the Registration Statement and Prospectus, which misrepresented or failed to disclose, among other things, the facts set forth above. By reason of the conduct alleged herein, each defendant violated and/or controlled a person who violated Section 11 of the Securities Act.

32. Xoom is the issuer of the stock sold via the Registration Statement and Prospectus. As issuer of stock, the Company is strictly liable to Plaintiff and the Class for the material misstatements and omissions therein.

33. At the times they obtained their shares of Xoom, Plaintiff and members of the Class did so without knowledge of the facts concerning the misstatements and omissions alleged herein.

34. This action is brought within one year after discovery of the untrue statements and omissions in and from the Registration Statement and Prospectus that should have been made and/or corrected through the exercise of reasonable diligence, and within three years of the effective date of the Registration Statement and Prospectus.

35. By reason of the foregoing, Plaintiff and the other members of the class are entitled to damages under Section 11 as measured by the provisions of the Section 11(e), from the defendants and each of them, jointly and severally.

COUNT II

Violations of Section 15 of the Securities Act Against the Individual Defendants

36. Plaintiff repeats and realleges the allegations contained above as if fully set forth herein. This claim is not based on and does not sound in fraud.

37. This claim is asserted against the Individual Defendants, each of whom was a control person of Xoom during the relevant time period.

38. The Individual Defendants were control persons of Xoom by virtue of, among other things, their positions as senior officers and/or directors of the Company, and they were in positions to control and did control, the false and misleading statements and omissions contained in the Registration Statement and Prospectus.

39. None of the Individual Defendants made reasonable investigation or possessed reasonable grounds for the belief that the statements contained in the Registration Statement and Prospectus were accurate and complete in all material respects. Had they exercised reasonable care, they could have known of the material misstatements and omissions alleged herein.

40. This claim was brought within one year after the discovery of the untrue statements and omissions in the Registration Statement and Prospectus and within three years after Xoom shares was sold to the Class in connection with the IPO.

41. By reason of the above conduct, for which Xoom is primarily liable, as set forth above, the Individual Defendants are jointly and severally liable with and to the same extent as Xoom pursuant to Section 15 of the Securities Act.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment as follows:

- (a) Determining that this action is a proper class action under California Code of Civil Procedure Section 382;
- (b) Awarding damages in favor of plaintiff and the other Class Members against all defendants, jointly and severally, together with interest thereon;
- (c) Awarding Plaintiff and the Class their reasonable costs and expenses

1 incurred in this action, including counsel fees and expert fees; and
2 (d) Such other and further relief as the Court may deem just and proper.

3 **VIII. JURY DEMAND**

4 Plaintiff hereby demands a trial by jury.

5 Dated: January 6, 2015

Respectfully submitted,

6 THE ROSEN LAW FIRM, P.A.

7 By: 

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